

FILED 09 DEC 17 15:36 USDC-ORM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HARRY AND DAVID, an Oregon  
Corporation,

Plaintiff,

Civ. No. 09-3056-CL

v.

**ORDER**

J&P ACQUISITION, a Delaware  
Corporation, DONALD  
HACHENBERGER, and GLENDA  
HACHENBERGER,

Defendants.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. Although Harry and

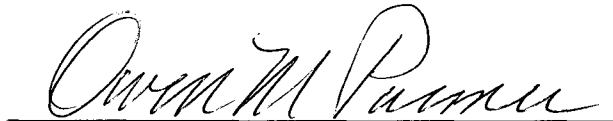
David is mistakenly referred to as a Delaware corporation on page 15, this error is harmless as it is not unreasonable that an Oregon corporation would agree to an out-of-state forum selection clause given the facts here. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#28) is adopted. Defendants Donald Hachenberger's and Glenda Hachenberger's motion to dismiss (#19) is granted without prejudice, with leave to re-file against Defendants Hachenberger in Delaware. The claims against Defendant J&P Acquisition remain unchanged.

IT IS SO ORDERED.

DATED this 7 day of December, 2009.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE